

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

WENDY WILLIAMS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 09-00130-CB-N
	)	
MOBILE COUNTY SHERIFF'S DEPARTMENT,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff Wendy Williams has filed an objection (Doc. 13) to the Report and Recommendation of the Magistrate Judge that this action be dismissed due to Plaintiff's failure to pay the partial filing fee. Plaintiff asserts that she has been unable to pay the partial filing fee of \$3.77 due to illness and lack of funds. However, the Court notes that the fee is more than two months overdue, Plaintiff has never requested an extension of time to pay, and Plaintiff has provided no documentation to support her claim that she lacks funds. Furthermore, illness did not prevent Plaintiff from filing a proposed amended complaint in the interim. In light of these factors, Plaintiff's objection is **OVERRULED**, and the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED without prejudice** for failure to prosecute and to obey the Court's order.

**DONE** this 21<sup>st</sup> day of July, 2009.

s/Charles R. Butler, Jr.  
**Senior United States District Judge**